

## **811 KAR 1:030. Eligibility and classification.**

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for the eligibility and classification of horses for races and medical tests required.

Section 1. Electronic Eligibility. (1) A horse shall not be permitted to start in any betting or non-betting race, qualifying race, time trial, or official workout, without first securing an electronic eligibility certificate.

(2) The race secretary shall check each electronic eligibility certificate and certify to the judges the eligibility of each horse entered to race.

Section 2. Racing Season and Recorded Winnings. (1) For purposes of eligibility, a racing season or racing year.

(2) Shall be the calendar year. In recording winnings for the racing season, gross winnings shall be used and odd cents shall be dropped and disregarded.

Section 3. Sale or Lease during Current Year. If a horse is sold or leased after an electronic eligibility certificate is issued for the current year, the seller or the authorized agent of the seller shall endorse the transfer to the new owner or lessee. The transfer shall be effective upon electronic transfer by the clerk of the course of the electronic registration certificate.

Section 4. Leased Horses. A horse on lease shall race in the name of the lessee. An electronic eligibility certificate shall not be issued to a horse under lease unless a copy of the lease is filed with the association. For purposes of issuance of electronic eligibility certificates or transfers of ownership, or both, a lease for an indefinite term shall be considered terminable at the will of either party unless extended or reduced to a term certain by written documentation executed by both the lessor and lessee.

Section 5. Correction of Electronic Eligibility Certificate. A correction of an electronic eligibility certificate shall be made only by a representative of the United States Trotting Association of a licensed official.

Section 6. Tampering with Electronic Eligibility Certificates. A person who tampers with an electronic eligibility certificate shall be charged with a violation pursuant to Section 25(2) of this administrative regulation.

Section 7. Denial of Electronic Eligibility Certificate. An eligibility certificate may be denied to any person who fails to comply with 811 KAR Chapter 1 and the provisions of KRS Chapter 230 relating to harness racing.

Section 8. An electronic eligibility certificate shall not be issued for a horse imported from a country other than Canada unless the following information is certified and furnished by the trotting association or governing body of the country of origin.

(1) The number of starts during the preceding twelve (12) months, together with the number of first, second, and third-place finishes for the horse, and the total amount of money won during this

period.

(2) The number of races in which the horse has started during the current calendar year, together with the number of first, second, and third-place finishes and the money won during that period.

(3) A detailed accounting of the last six (6) starts listing the date, location, track condition, post position or handicap (in the case of a handicap race), distance of the race, the position of the horse at the finish, the time of the race, the driver's name and the first three (3) horses in the race.

Section 9. Registration of Standard and Nonstandard Bred Horses. A foal shall be registered in current ownership either as standard or nonstandard with the U.S. Trotting Association.

Section 10. Time Bars. A time record or bar shall not be used as an element of eligibility.

Section 11. Date When Eligibility is Determined. (1) A horse shall not enter a race if the horse is not eligible when entries close. Winnings on the closing date of eligibility shall not be considered.

(2) In mixed races, trotting and pacing, a horse shall not perform unless it is eligible to be in the class at the gait stated in the entry.

Section 12. Conflicting Conditions. If there are conflicting published conditions and neither is withdrawn by the association, the conditions more favorable to the nominator shall govern.

Section 13. (1) Standards for Overnight Events. The racing secretary shall prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting. The standards shall be posted where declarations are made and shall be printed on all condition and qualifying sheets.

(2) If time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two (2) seconds allowance in relation to pacers.

Section 14. Posting of Overnight Conditions. (1) At meetings other than extended pari-mutuel meetings, conditions for overnight events shall be posted at least eighteen (18) hours before entries close.

(2) At extended pari-mutuel meetings where races are held five (5) or more days per week, condition books shall be prepared. Races shall not be divided and substituted races shall not be used unless regularly scheduled races fail to fill. A book containing at least three (3) days racing programs shall be available to horsemen at least twenty-four (24) hours prior to closing declarations on any race program contained in the condition book. Conditions shall be clearly stated in all books and shall not state that conditions are TBA (To Be Announced).

(3) The race secretary shall forward copies of each condition book and overnight sheet to the presiding judge as soon as they are available to the horsemen.

Section 15. Types of Races to be Offered. (1) A racing program shall offer exclusively the following types of races:

- (a) Stakes and futurities;
- (b) Early closing and late closing events;
- (c) Conditioned races;
- (d) Claiming races; and
- (e) Preferred races limited to the fastest horses at the meeting.

(2) Preferred races.

(a) May be free-for-all races or invitationals. All horses in races under this subsection shall be

posted in the race secretary's office and listed with the presiding judge and shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list.

(b) A maximum of twelve (12) races may be conducted during a six (6) day period of racing at associations distributing more than \$100,000 in overnight purses during this period and a maximum of ten (10) races shall be conducted at other associations during a six (6) day period of racing. At least two (2) of the races shall be for three (3) year olds, four (4) year olds, or combined three (3) and four (4) year olds.

(c) At any association racing less than five (5) days per week, a maximum of ten (10) preferred races shall be conducted during a six (6) day period.

(d) Any purse offered for any race under this subsection shall be at least fifteen (15) percent higher than the highest purse offered for a conditioned race programmed the same racing week.

(3) A two (2) year old or three (3) year old horse shall not be eligible to be placed on the preferred or invitational list to race against older horses until it has won at least seven (7) races, unless requested by the owner or authorized agent. The owner or authorized agent may withdraw the request at his or her discretion.

(4) If a meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that meeting may be computed in determining whether a horse may be placed on the preferred list.

Section 16. Limitation on Conditions. A condition shall not be written so as to deprive a horse of an opportunity to race in normal preference cycles. More than three (3) also eligible conditions shall not be used in writing the conditions of an overnight event.

Section 17. Dashes and Heats. A dash or heat shall be considered a separate race for the purposes of conditioned racing.

Section 18. Selection or Drawing of Horses. For any overnight event, each starter and also eligible shall be drawn by lot from those properly declared in, except that a race secretary shall establish a preference system for races as provided in 811 KAR 1:055, Section 5. However, if necessary to fill a card, a maximum of one (1) race per day shall be divided into a maximum of two (2) divisions after preference has been applied. The divisions shall be selected by the racing secretary. For all other overnight races that day that are divided, the division shall be by lot unless the conditions provide for a division based on performance, earnings, sex, or claiming price.

Section 19. Posting Requirements. (1) The name of every horse at the association ready to race shall be posted by gait in the declaration room, together with pertinent information concerning the horse which may be required to determine its eligibility for condition races.

(2) A supplemental purse payment made by an association after the termination of a meeting shall be charged and credited to the winnings of a horse at the end of the racing year in which the purse is distributed. Distribution shall not affect the current eligibility until officially credited to the horse.

Section 20. Rejection of Declaration. (1) The racing secretary shall reject the declaration on any horse whose electronic eligibility certificate has not been applied for.

(2) The racing secretary may reject the declaration on any horse whose past performance indicates that the performance of the horse would fall below the competitive level of other horses declared.

Section 21. Substitute and Divided Races. (1) Substitute races may be provided for each day's

program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two (2) divisions shall be used only if regularly scheduled races fail to fill.

(2) If a regular race fills, it shall not be carried over more than one (1) racing day unless permission from the presiding judge is obtained.

(3) Overnight events and substitutes shall not be carried to the next racing day unless permission from the presiding judge is obtained.

Section 22. Opportunities to Race. A fair and reasonable racing opportunity shall be afforded to both trotters and pacers based upon availability and qualifications. The number of claiming races carded to each week's racing program shall be as proportionate as possible to the number of claiming authorizations on file with the racing secretary.

Section 23. Qualifying Races. A horse that qualifies in a qualifying race for which no purse is offered shall not be deprived by reason of this performance of his right to start in any conditioned race.

Section 24. Equine Infectious Anemia. (1) A horse that has been determined, by means of a "Coggins test" administered by an approved laboratory, to be infected with or a carrier of equine infectious anemia shall not be permitted to race or be stabled at a licensed track.

(2) A horse shall not be permitted to enter or remain upon the grounds of any association where race meetings are conducted at any time unless a certificate is presented to an association representative certifying that the horse has been given a "Coggins test" during the past twelve (12) months, and that the result of the test was negative. The certificate shall properly identify the horse by tattoo number, freeze brand, or other Authority-approved means of identification.

(3) A horse shall not start in a race unless a negative "Coggins" test written certificate for that horse is furnished to the race secretary, as required by subsection (2) of this section.

(4) An electronic eligibility certificate shall not be issued for a horse for which a positive "Coggins Test" has been reported. If an electronic eligibility certificate is issued for a horse that is later determined to be infected with, or to be a carrier of, equine infectious anemia, the presiding judge shall immediately notify the United States Trotting Association.

Section 25. Penalties. (1) A person or association that violates any of the provisions of this administrative regulation other than Section 6 of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1).

(2) A person or association who tampers with electronic eligibility under Section 6 of this administrative regulation shall have committed a Category 2 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(2). (KTC 1-8 (Rule 9); 1 Ky.R. 1103; eff. 6-11-75; Am. 6 Ky.R. 299; eff. 1-2-80; 431; eff. 4-1-80; 7 Ky.R. 497; eff. 1-6-81; 10 Ky.R. 914; eff. 2-1-84; 33 Ky.R. 924; 2956; eff. 4-6-07.)